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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/682,655	10/02/2001	Igor A. Shmulevich	VIGN1330-1	5246
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Sprinkle IP Law Group 1301 W. 25th Street Suite 408 Austin, TX 78705			EXAMINER GOLDBERG, ANDREW C	
			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

09/682,655

Applicant(s)

SHMULEVICH ET AL.

Examiner

ANDREW GOLDBERG

Art Unit

2491

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 26-45 is/are pending in the application.
- 5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 26-45 is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

1. This communication is in response to the application filed on 02 October, 2001.

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/09/2011 has been entered.

Examiners Note

2. The examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Claim Rejections - 35 USC 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 26-45** are rejected under 35 USC 103 (a) as being unpatentable over Chong et al., Publication No.: US 2002/0184610 A1, hereby **Chong**, in further view of Chandra et al., Pub. No.: US 2002/0138582 A1, hereby **Chandra**. Comparisons to the provisional application 60/263574 will be made to be certain that the non-provisional application contains the content of the provisional application (hereby **PA**).

As an initial matter, the examiner would like to express his interpretation of instant invention to provide applicant with insight to the examiner's thought process.

The examiner interprets the instant application as a means to deliver service and device specific applications (templates) to end users. A developer may use a development environment to create a service specific template that does not include presentation data for a specific end device. The developer uses a master template which contains non-presentation based options (per se) that the developer may select in order to create the design flow of the device specific application. After the design flow has been selected, a module transforms the device specific flow into device specific presentation data.

Regarding **claim 26**, **Chong** discloses, "providing a master template which contains a plurality of building blocks, wherein each of the plurality of building blocks defines formatting for a single type of name-value pair for presentation on a single device type." **Chong** discloses in paragraph 0298 creating the visual representation of the application in the developing environment. The visual representation is NOT the application's presentation and therefore does not contain any sort of end user GUI. The visual representation is merely the interaction flow of the application or service from start to end (see figure 27 for an example). Further paragraph 0325 discloses that the visual primitives (analogous to objects in the DOM) are stored in an XML format. Figure 6-9 in **PA** shows a generic example of this visual representation. Par. 0372 discloses name-value pairs; a single building block could be a single variable or object element in the IDE. The master template created in the IDE is the template that is used for multiple presentation device types. Mapped to **PA**: **PA** discloses: page 13, Covigo Mobile Application Engine. The engine converts templates designed in the visual development studio to deliver applications and services. The mobile application engine is based on XML; par. 0015, "Covigo Engine to generate the output specific to a connecting device" wherein the output is the presentation data; page 56, second paragraph; figure 6-13; page 41-42, componentization wizard);

Chong further discloses, "receiving or retrieving unformatted data from the storage device, wherein the unformatted data corresponds to a specific data service and contains no information on formatting the specific data service for presentation **Chong** discloses in paragraph 0298 that unformatted data (non-presentation data) is retrieved to make the views. Par. 0310 discloses "data view primitives" which include

objects disclosed in paragraphs 0312-0317. Primitives are shown in **PA** on pages 14-15 (among others). Paragraphs, 0017, 0277, 0311, 0367 among many other paragraphs show the design of applications and services in a non-presentation type manner. In **PA**, page 13, re-usable and customizable templates, delivers applications and services; page 14, drag-and-drop visual design element; page 15, custom templates...developers do not need Covigo's out of box templates and can therefore design their own. Further, Covigo works with backend XML files. Therefore, if a user is developing his or her own template, the data that is used to design said template must "correspond" aka "relate to" (in any way) a specific service.

Chong further discloses, "examining the unformatted data, each name-value pair including a name of a data item and a value of the data item; presenting the name-value pairs to a user via the user interface." In **Chong**, figure 17 shows a sample design of an application with elements each containing a name and a value that is shown when a user clicks on said element. In **PA**, figure 6-13; page 41-42, componentization wizard, components are saved in an XML repository);

Chong further discloses, "...wherein each of the service/device-specific templates is specific to a corresponding device or a device type and to the specific data service associated with the unformatted data (**page 13, Covigo Mobile Application Engine. The engine converts templates designed in the visual development studio to deliver applications and services; par. 0015, "Covigo Engine to generate the output specific to a connecting device" wherein the output is the presentation data.**).

Chong does not explicitly disclose, "...retaining a set of the name-value pairs based on user input received via the user interface...selecting, from the master template,

building blocks containing information on formatting the set of the name-value pairs for presentation of the specific data service on a plurality of device types...assembling the building blocks selected from the master template into one or more service/device-specific templates." The examiner is interpreting this limitation to mean that a user is selecting from a list of building blocks in order to create his or her own specific application.

However, regarding **claim 1**, **Chandra** discloses the concept of selecting building blocks from a list to incorporate into a transportable application (par. 0443-0467).

At the time of the invention, it would have been obvious to one of ordinary skill in the art, having the teachings of **Chong and Chandra** before him or her, to modify the master template creation of **Chong** to include the ability to pick and choose building blocks for specific application templates as in **Chandra**. The motivation for doing so would have been to allow a user to customize a specific application from the previously created master template of Chong.

Therefore, it would have been obvious to combine **Chandra** with **Chong** to obtain the invention as specified in the instant claim(s).

Regarding **claim 27**, **Chong** discloses, "utilizing the service/device-specific templates to create markup language files for corresponding devices" (Chong: par. 0310 - PA: page 15).

Regarding **claim 28**, **Chong** discloses, "utilizing the markup language files to accommodate the specific data service on the corresponding devices" (par. 0310 - page 15).

Regarding **claim 29**, **Chong** discloses, "wherein the master template defines predetermined style for displaying data on physical devices" (par. 0298, module 16 - page 15).

Regarding **claim 30**, **Chong** discloses, "wherein the master template is one of a plurality of master templates, each defining a different style for displaying data on physical devices" (par. 0299 - page 15, dynamic content generation).

Regarding **claim 31**, **Chong** discloses, "prompting the user to select one of the plurality of master templates according to which the service/device-specific templates are generated" (par. 0299 - page 63, number 12).

Regarding **claim 32**, **Chong** discloses, "wherein the service/device-specific templates are generated automatically upon completion of the master template" (page 15, code generator).

Regarding **claim 33**, **Chong** discloses, "wherein the service/device-specific templates are generated as needed to accommodate the specific data service or a new data service" (page 15).

Regarding **claim 34, Chong** as modified by **Chandra** discloses, “presenting the user with a name for each of the set of the name-value pairs; and allowing the user to accept or modify the name via the user interface” (figure 6-13; page 41-42, componentization wizard, components are saved in an XML repository; Chandra, par. 0764 rename building block).

Claims 35-45 are rejected under the same reasoning and motivation as above.
No new substantial limitations or concepts have been added.

Response to Arguments

5. Applicant's arguments have been considered but are not persuasive.

a. Regarding claim 26, applicant argues:

environment showing the interaction flow of the application from start to end. While Chong might be reasonably construed to teach that the IDE provides building blocks for workflow-based applications, it makes clear that “workflow” describes business logic having multiple states and transitions between the states (paragraph 0032). Such building blocks clearly do not each define formatting for a single type of name-value pair for presentation on a single device type, as recited in the claim. The Examiner cites paragraph 0372 of Chong as disclosing name-value pairs, but these name-value pairs are parameters of variables that are dragged and dropped within the IDE – even if the variables could be construed as the recited building blocks, they do not format Chong's name-value pairs for presentation, as recited in the claim. As to the

b. Regarding a, the examiner respectfully disagrees. The examiner would like to reiterate that a “name-value pair” is extremely broad and defines any type of object that contains any sort of name and value. For example, a building block may represent an object on a workflow diagram (e.g. figure 17). Each object has

a name (e.g. figure 17, whichdollar1; par. 0295 modelvar) and some type of value (par. 0291, property; attribute). Further, note that all of these objects will eventually be translated into presentation data; the claim language does not state that these name-value pairs are already presentation data, but that they are “for presentation on a single device type”. This presentation takes place during the visualization process described in the rejection above. Finally, par. 0283 discloses that a user can edit name-value pair objects in the design editor.

c. Regarding claim 26, applicant argues:

disclosure of PA, the Examiner cites, e.g., “page 13, Covigo Mobile Application Engine”. The Applicant points out that PA describes the Covigo Mobile Application Engine as “a single, comprehensive architecture for delivering mobile applications and services”, which appears to teach away from the use of building blocks to generate multiple templates, each of which is specific to a particular service and a particular device. The Examiner also cites page 66.

d. Regarding c, the examiner respectfully disagrees. The end product of the Covigo Mobile Application Engine is a comprehensive architecture to deliver mobile applications and services on a per template basis. Further, the creation of multiple templates for one or more capable devices may be made to accommodate different devices (par. 0299).

e. Regarding claim 26, applicant argues that the “Covigo Engine uses previously defined templates to generate device interfaces, which is not the same as using building blocks corresponding to name-value pairs to generate templates.”

f. Regarding e, the examiner respectfully disagrees. The examiner was merely pointing out that the developer has previously created templates (one

could assume from using the IDE) at his or her disposal during the development process.

g. Regarding claim 26, applicant argues that the examiner that Chong "fails to teach using building blocks that format name-value pairs for presentation, as recited in the claim."

h. Regarding g, the examiner respectfully disagrees. Note that the claim limitation indicates that the building blocks are used to "define formatting for a single type of name-value pair for presentation on a single device type". The examiner is interpreting the claim language to mean that building blocks do not contain presentation data, but merely define formatting (hence multiple templates in paragraph 0299) for a later presentation process which uses the formatted data as part of the process.

i. Regarding claim 26, applicant argues that Chong does not disclose the receiving/retrieving of unformatted data.

j. Regarding i, the examiner respectfully disagrees. Note that receiving/retrieving unformatted data is the developer merely any data that does not relate to presentation data (as defined by instant application). Par. 0257 represents a user receiving non-presentation data to include in the application workflow. The application workflow contains objects as described above.

k. Regarding claim 26, applicant argues that PA does not state receiving/retrieving unformatted data, "so the teaching of Chong only has a priority from January 18, 2002, and consequently is not prior art with respect to this limitation."

l. Regarding k, the examiner respectfully disagrees. Page 0014 discloses the same environment including a drag and drop for the aforementioned objects. These drag and drop objects can be modeled with or without presentation data.

m. Regarding claim 26, applicant argues:

and manage the files and objects in an application (paragraph 0211). There is no teaching that the GUI examines unformatted data. While the GUI may list files, data sources, model variables, or object methods for the application, there is no teaching that the GUI identifies name-value pairs in unformatted data as recited in the claim. As to figures 6-13 and pages 41-42

n. Regarding m, the examiner respectfully disagrees. Examining unformatted data and presenting the name value-pairs to a user via a user interface reads on merely a user clicking on or choosing a pre-loaded object and viewing its name value pair. The claim is too broad to be interpreted solely the way applicant intends. Please note that "It is the claims that define the claimed invention...and it is claims, not specifications that are anticipated" or unpatentable. See: Constant v. Advanced Micro-devices Inc., 7USPQ2d 1064."

o. Regarding claim 26, applicant argues:

Engine ...", the Applicant points out that paragraph 0015 of Chong does not contain this language, so this apparently refers to PA. As noted above, PA is not incorporated or included by reference in Chong, so teachings that are found in PA, but not in Chong (as is apparently the case here) are only effective as of the date the public gained access to PA (the date of publication of Chong), which is after the priority date of the instant application. The Examiner has therefore failed to show that this limitation is taught by the prior art.

p. Regarding o, the examiner respectfully disagrees. The claim limitation merely states that each service/device-specific template is specific to a corresponding device or device type and to that particular data service (application) associated with the unformatted data. That is, each visual design

template (which is associated with a specific application) is associated with a service/device specific template. The points to paragraph 0299 which discloses the creation of multiple templates for different device types.

q. Regarding claim 26, applicant argues that the use of Chandra differs from the instant application in that:

the specific language of the claim. First, the user does not select building blocks – the computer selects building blocks from the master template based on the retained set of name-value pairs. These name-value pairs were identified in the unformatted data by the computer. While the user may provide input as to which of the computer-identified name-value pairs are retained, the pairs are selected by the computer. The Applicant further points out that, in the invention, neither a user nor a computer is creating an application – the computer is creating templates that provide formatting for the name-value pairs identified (by the computer) in the unformatted data (not in a set of application components).

Based on the Examiner's interpretation of the claim language, the Examiner states that Chandra teaches the claim limitations that are not taught by Chong. More specifically, the Examiner states that Chandra "discloses the concept of selecting building blocks from a list to incorporate into a transportable application" (citing paragraphs 0443-0467). While Chandra does teach selecting building blocks (e.g., "approval list", "discussion", "file sharing", etc.), it is clear that these building blocks are each manually selected by a user, and are not selected based on a retained set of name-value pairs, as recited in the claim (see, paragraph 0443, user selects Insert Building Block link; paragraph 0460, user selects desired building block). Further, it is clear that the building blocks of Chandra do not contain information on formatting the set of the name-value pairs for presentation of the specific data service on a plurality of device types, as recited in the claim (see, paragraph 0446, approval list building block allows participants to

r. Regarding q, the examiner respectfully disagrees. The examiner is interpreting the limitation to mean that a user is selecting from a list of building blocks the objects (which contain name value-pairs) that he or she wishes to incorporate into the application. Each object has a name-value pair and includes such objects as: polls (par. 0455), ratings (par. 0456), etc. If a user wishes to create an application that involves a poll, the user would select said object from the list. Further, note that via user intervention a computer may then "retain" said objects for the application. In response to, "Chandra do[es] not contain

information on formatting the set of the name-value pairs for presentation of the specific data service..." the examiner notes that fig. 5 shows the building blocks being related to the presenters which represent presentation data. The claim states that these name-value pairs (objects) contain information for presentation. Meaning these objects are not presentation data, but provide information for the later presentation step.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANDREW GOLDBERG whose telephone number is (571)270-5441. The examiner can normally be reached on 9:30-6:00 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ashok Patel can be reached on (571)-272-3972. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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